

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:

SAVERIO CARL FALCO ET AL.

CASE NO.: BB1037 US DIV

APPLICATION NO.: UNKNOWN

GROUP ART UNIT: UNKNOWN

FILED: CONCURRENTLY HERewith

EXAMINER: UNKNOWN

FOR: CHIMERIC GENES AND METHODS FOR  
INCREASING THE LYSINE AND THREONINE  
CONTENT OF THE SEEDS OF PLANTS

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is submitted to facilitate prosecution of the above-identified application.

**In the Claims**

Kindly cancel claims 2-40.

Kindly add the following new claims:

--41. A plant comprising in its genome two foreign nucleotide sequences which cause seeds obtained from said plant to accumulate lysine at a level of at least ten percent higher than do seeds of a plant which do not comprise said foreign nucleotide sequences in its genome wherein the foreign nucleotide sequences each comprise a nucleic acid fragment, said fragments being different from each other, and said fragments each being operably linked to a plant seed specific promoter and said fragments are (a) a nucleic acid fragment encoding an aspartokinase which is substantially insensitive to lysine inhibition and further wherein said fragment is operably linked to a plant chloroplast transit sequence, and (b) a nucleic acid fragment encoding a dihydrodipicolinic acid synthase which is substantially insensitive to lysine inhibition and further wherein said fragment is operably linked to a plant chloroplast transit sequence.

42. The plant of claim 41 wherein said plant is selected from the group consisting of rapeseed, soybean, and corn.

43. Progeny plants from the of claim 41 or 42 wherein said progeny plants comprise in their genome the two foreign nucleotide sequences of the plant of claim 41 or 41.

44. Seeds obtained from the plants of claims 41 or 42 wherein said seeds comprise in their genome the two foreign nucleotide sequences of the plant of claim 41 or 42.

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